

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

GLORIA GLAZIER,)
Plaintiff,)
) 14-CV-106
v.)
) ACTION FOR DAMAGES
STUART FOX,)
Defendant.)
)

PLAINTIFF GLORIA GLAZIER'S RESPONSE TO DEFENDANT STUART FOX'S OBJECTION TO PLAINTIFF'S EXHIBITS

Gloria Glazer's trial exhibits include medical bills that she incurred to surgically repair a torn rotator cuff that she suffered when Stuart Fox assaulted her. Fox argues that the medical bills are hearsay and that there is no foundation that the underlying treatment was medically necessary. Fox is wrong. The medical bills are admissible under Federal Rule of Evidence 807, and one of Glazier's treating doctors, Linda Jackson, M.D., will testify about the underlying injury and the treatment.

Courts have held that plaintiff's medical bills are admissible under Federal Rule of Evidence 807, the residual exception to the hearsay rule. *See Lembach v. Antilles School, Inc.*, 2015 WL 2120508, at *18 (V.I. Super. Ct); *see also Foradori v. Harris*, 523 F.3d 477, 519 (5th Cir. 2008) (applying Mississippi law and holding that the plaintiff was entitled to introduce his medical bills through his testimony).

Moreover, medical bills paid by a plaintiff are also presumptively reasonable -- the defendant has the burden of proving that the bills are unreasonable. *Lembach*, 2015 WL 2120508, at *15.

Plaintiff's treating physician, Dr. Linda Jackson, will testify that Glazier's shoulder injury was caused by the assault and her rotator cuff surgery was medically necessary.

Plaintiff Gloria Glazier's Response To Defendant Stuart Fox's Objection to Plaintiff's Exhibits

Glazier v. Fox; 14-CV-106

Page 2

In sum, Glazier's medical bills are admissible and should not be excluded.

Respectfully submitted,

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DATED: January 9, 2017

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of January, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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